

ORDINANCE NUMBER 2329

PROHIBITION OF THE SALE, POSSESSION, OR DELIVERY OF SYNTHETIC CANNABIS

WHEREAS, it is the desire of the Council and the Mayor to control and minimize the use of synthetic cannabis and

WHEREAS, it is desirous for the City of Marion to be able to enforce laws with respect to such behavior;

NOW, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MARION, ILLINOIS AS FOLLOWS:

1: DEFINITIONS:

The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

SYNTHETIC CANNABIS: Includes the brand names K2 and Spice. It is a herbal and chemical product which mimics the effects of Cannabis including but not limited to synthetic cannabinoids, cannabicyclohexanol, JWH-018, JWH-073 and HU-210.

DELIVER OR DELIVERY: Actual, constructive or attempted transfer of possession of synthetic cannabis, with or without consideration, whether or not there is an agency relationship.

KNOWLEDGE: Knows, acts knowingly or with knowledge:

- A. The nature or attendant circumstances of his/her conduct, described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist. Knowledge of a material fact includes awareness of the substantial probability that such fact exists.
- B. The result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.
- C. Knowledge may be inferred from the surrounding circumstances.

MANUFACTURE: The production, preparation, propagation, compounding, conversion or processing of synthetic cannabis, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cannabis or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cannabis as an incident to lawful research, teaching or chemical analysis and not for sale.

PERSON: Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.

POSSESSION: Possession may be either actual or constructive.

- A. Actual possession means exercising physical dominion.
- B. Constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cannabis or drug paraphernalia.

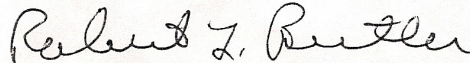
PRODUCE OR PRODUCTION: Planting, cultivating, tending or harvesting.

2: POSSESSION OF SYNTHETIC CANNABIS PROHIBITED:

- A. Violation: No person shall possess any substance containing synthetic cannabis.
- B. Penalty: Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than two hundred fifty dollars (\$250.00) and no more than seven hundred fifty dollars (\$750.00).
- C. Administrative Fee: In addition, any person who violates any provision of this section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of one hundred dollars (\$100.00) to be paid to the law enforcement agency for testing of the substance(s) collected.
- D. Forfeiture: Any items which may be seized or forfeited pursuant to section 720 Illinois Compiled Statutes 550/12, may be forfeited in the same manner as described therein for a violation of this section.
- E. Exception: Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cannabis for research purposes pursuant to 720 Illinois Compiled Statutes 550/11, as hereafter amended, shall be exempt from the provisions of this section.

PASSED BY THE COUNCIL THE 27th DAY OF September, 2010.

SIGNED BY THE MAYOR THE 27th DAY OF September 2010.



ROBERT L. BUTLER, MAYOR

ATTEST:



Diane S. Pritchett, City Clerk

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